



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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August 13, 2002

Henry Maddux, Field Supervisor
U. S. Fish and Wildlife Service
2369 West Orton Circle
West Valley City, Utah 84119

Re: Section 7 Consultation on Muddy Tract Coal Exploration, Canyon Fuel Company, LLC, SUFCO Mine, C/041/002-EX02D, Outgoing File

Dear Mr. Harris:

The Division of Oil, Gas and Mining received a Notice of Intent to Conduct Minor Coal Exploration adjacent to the SUFCO mine permit area. Enclosed is a map depicting the location of the permit area.

The surface of the proposed drilling location is managed by the Manti-La Sal National Forest (FS). The FS evaluated all threatened and endangered plant and animal species that were identified in a United States Fish and Wildlife Service (FWS) letter dated November 2001, which included the biological assessment (BA). The FS BA summary of effects was "no effect" on threatened and endangered plant and animal species.

The Mexican Spotted Owl was not identified on the FWS list sent to the FS. Frank Howe, Division of Wildlife Resource, Avian Program Coordinator, was asked about the need to survey for the Mexican Spotted Owl in the area in November 2001. He said canyons close to this drill site should be surveyed. Beginning in 2002, the FS initiated Mexican Spotted Owl surveys in preparation for leasing the Muddy Tract coal reserves. No owls were found during the first year of monitoring.

The Division has evaluated the effect of this project on the Mexican Spotted Owl and has determined the following:

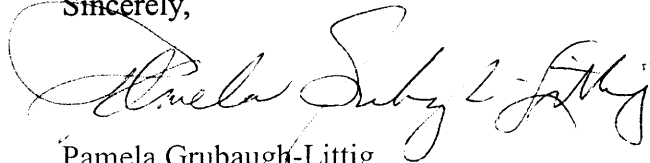
- The drill site is within ½ mile of potential habitat.
- Drilling will begin after the end of the breeding season, September 1 and will continue for four weeks.
- No structures or monitoring equipment will remain on site after exploration activities have been completed.
- All disturbance associated with the drill location will be immediately reclaimed.

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The Division concludes that minor coal exploration activities are not likely to adversely affect any listed species or their critical habitat. The Division requests your written concurrence.

Please call me at (801) 538-5268 or Susan White at (801) 538-5258 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

an
cc: Price Field Office
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